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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James D. O'Brien

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12/21/2005

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EXAMINER

LIN, KENNY S

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/765,961	<b>Applicant(s)</b> O'BRIEN, JAMES D.	
	<b>Examiner</b> Kenny Lin	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,8,10 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,10 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/16/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-2, 4, 7-8, 10 and 13 are presented for examination. Claims 3, 5-6, 9 and 11-12 are canceled.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2005 has been entered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al (Hereinafter Gerszberg), US 5,970,473, in view of Gile et al (Hereinafter Gile), US 6,317,779, and Mann, II et al (Hereinafter Mann), US 5,577,186.
5. Gerszberg, Gile and Mann were cited in the previous office action.

6. As per claim 1, Gerszberg taught the invention substantially as claimed including a method for delivering home/auto/cook repair information to a home owner over a global computer network (col.7, lines 51-55, col.8, lines 12-29), comprising the steps of:

- a. Presenting the home owner with a first Internet web page that contains a first list of home repair topics (col.8, lines 12-43, col.9, lines 19-22, col.10, lines 27-32);
- b. Presenting the home owner, in response to selection by the home owner of a selected home repair topic from the first Internet web page, with at least one second Internet web page that contains a second list of home repair topics, wherein the second set of home repair topics corresponds to specific home repair topics associated with the home repair topic selected from the first web page (col.9, lines 19-39, col.10, lines 27-58);
- c. Presenting the home owner with a web page that contains a list of materials required to complete the home repair project (col.8, lines 12-31, 55-67, col.9, lines 34-42, col.10, lines 40-54; products);
- d. Prompting the home owner to enter a zip code associated with a geographic location of the home owner (col.8, lines 55-59);
- e. Retrieving from a database, in response to the zip code and the home project, a list of suppliers in the geographic location of the home owner that can supply the home owner with each of the items on the list of materials required to complete the home repair project, and presenting the list of suppliers to the home owner (col.8, lines 12-31, 55-67, col.9, lines 1-7, 22-29);

- f. Retrieving from a database, in response to the zip code and the home repair project, a list of contractors in the geographic location of the home owner that can complete the home repair, and presenting the list of contractors to the home owner, wherein the list of contractors is different from the list of suppliers (col.8, lines 12-31, 55-67, col.9, lines 1-7, 22-29).

7. Gerszberg did not specifically teach to download a video segment to a computer associated with the home owner in response to selection by the home owner from the second Internet web page, wherein the video segment includes step-by-step instructions for completing a home repair project associated with the home repair topic selected from the second internet web page. Gile taught to download selected video segment from the available services displayed on a browser to a computer associated with the home owner in response to selection by the home owner (col.2, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg and Gile because Gile's teaching of downloading a video segment from the selected service enable Gerszberg's system to download video for later viewing if the selected service page contains downloadable videos clips. Gerszberg and Gile did not specifically teach that the video segment includes step-by-step instructions for completing a home repair project associated with the selected topic. Mann taught to provide step-by-step instruction video segments (col.2, lines 1-7, 65-67, col.3, lines 1-2, 40-45, col.4, lines 34-37, 56-60, col.6, lines 1-7, col.7, lines 50-54, col.10, lines 10-12, 58-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg, Gile and Mann because Mann's teaching of including step-

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by-step instruction in the selected video segment for service topic enables Gerszberg and Gile's system to provide leaning-by-doing lessons to tutor and train the user step-by-step about the selected service topic (abstract, col.4, lines 34-37, col.7, lines 50-54).

8. As per claim 2, Gerszberg, Gile and Mann taught the invention substantially as claimed in claim 1. Gile further taught that wherein step c. comprises the step of: providing a preview video segment to a computer associated with the home owner in response to selection by the home owner of a home repair topic from the second Internet web page (col.3, lines 36-53); and after the home owner views the preview video segment, downloading a full-length video segment to a computer associated with the home owner if the home owner approves of such downloading after viewing of the preview, wherein the full-length video segment corresponds to the home repair topic selected from the second Internet web page (col.2, lines 10-17, col.3, lines 36-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg, Gile and Mann because Gile's teaching of previewing and downloading a video segment from the selected service enable Gerszberg's system to preview and download video regarding the requested service if the selected service page contains downloadable videos clips.

9. Claims 4, 7-8, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg, Gile and Mann as applied to claims 1-2 above, and further in view of "Official Notice".

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10. As per claim 4, Gerszberg, Gile and Mann taught the invention substantially as claimed in claim 1. Gerszberg further taught wherein the list of materials includes a price associated with each item on the list of materials (col.10, lines 32-54). Gerszberg, Gile and Mann did not specifically teach the list of materials to include a quantity associated with the items. However, Gerszberg taught that the list of services are not limited and may be customer-configured based on specified preferences (col.8, lines 12-29). "Official Notice" is taken that it would have been obvious to include quantity column in the list of materials to show the availability of the material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg, Gile, Mann and further include price and quantity of materials of a particular service in the web page for customers to compare prices and select desire quantity.

11. As per claims 7-8, 10 and 13, since these claims contain the same scope as Claims 1-2 and 4, they are rejected under the same ground stated above. Furthermore as per claims 7-12, Gerszberg, Gile and Mann did not specifically teach that the repair is auto repair. As per claim 13, Gerszberg, Gile and Mann did not specifically teach that the list is a list of cooking topics. However, Gerszberg taught that the list of services are not limited and may be customer-configured based on specified preferences (col.8, lines 12-43, col.9, lines 19-22, col.10, lines 27-32). "Official Notice" is taken that it would have been obvious to include in the list of services such as auto repairing, cooking and many other categories as well. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings

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Gerszberg, Gile and Mann and further include more categories of services in the list of services as suggested by Gerszberg to support more types of users.

*Response to Arguments*

12. Applicant's arguments filed 10/31/2005 have been fully considered but they are not persuasive.

13. In the remark, applicant argued that (1) there is no teaching in Gerszberg of presenting the home owner with a list of material required to complete a home repair project and (2) that the list of suppliers and list of contractors are separate lists.

14. Examiner traverses the argument.

As to point (1), although Gerszberg's example was specific to ordering pizza, Gerszberg taught to provide a web page that contains a list of the materials (e.g. pizza topping and type) required to complete a project (col.8, lines 12-31, 55-67, col.9, lines 34-42, col.10, lines 40-54).

Gerszberg's also suggested to include home repair/improvement services as one of the categories (col.8, lines 12-22). It is inherent for Gerszberg to use the same teaching in the pizza ordering example to provide home repair/improvement services and provide a web page that contains a list of materials required to complete the home repair project. Gerszberg taught the web page to contain all the material available at the supplier, including the materials required to complete the selected project. This reads on the claim language of "presenting the home owner with a web page that contains a list of materials required to complete the home repair project."



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As to point (2), Gerszberg taught to provide lists of vendors that can supply a good (e.g. suppliers) or service (e.g. contractors). This is admitted by the applicant in page 9 of the remark (... these passages from Gerszberg teach the presentation to the customer of a list of vendors that can supply a good or service). Gerszberg also taught that the lists of products and servers may be provided on separate menus (e.g. separated lists of suppliers and contractors) in column 8, lines 18-20 (The lists of products and services may be provided on the same menu, as in FIG. 5A, **or on separate menus**). This clearly reads on the limitation of “wherein the list of contractors is different from the list of suppliers” since the lists can be two or more separate lists.

Because Applicants have failed to challenge any of the Examiner’s “Official Notices” stated in the office action dated on 7/23/2004 in a proper and reasonably manner, they are now considered as admitted prior art. See MPEP 2144.03

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freeman, US 6,950,826.

Ritchie et al, Us 6,826,565.

16. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.


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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl  
December 14, 2005

 **JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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